

quiry as to whether the information supplied by the Secretary of State was open to inspection by all Members of Congress. The Speaker⁽²⁾ responded:

. . . [T]he Chair states that disposition of the report, what should be done with it, whether it should be thrown open to all Members of Congress, is a matter within the discretion of the Foreign Affairs Committee.

Parliamentarian's Note: Under Rule XI clause 2(e)(2), *House Rules and Manual* §706c (1981), all Members are given access to committee files, with specified exceptions relating to the Committee on Standards of Official Conduct.

§ 9. Titles and Preambles

Purpose of Title

§ 9.1 Titles in legislation are for purposes of identification, and do not affect the obvious meaning of a statute.

On Dec. 20, 1941,⁽³⁾ during consideration of S. 2082, the following exchange took place:

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I should like to invoke the ruling of the Chair on that point. I

2. William B. Bankhead (Ala.).

3. 87 CONG. REC. 10079, 77th Cong. 1st Sess.

may say, Mr. Speaker, that this bill was identical in the House and the Senate versions, but in the House committee an amendment was made in the body of the bill to include other officers than originally were named in the House bill, namely, the members of alien-enemy hearing boards. The House committee conceived it to be wise to amend the title to show that the amendment had been put in the bill, but the Senate, in passing the bill, although it adopted the House amendment, did not amend the title.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a point of order.

THE SPEAKER:⁽⁴⁾ The gentleman will state it.

MR. MICHENER: The gentleman from Alabama has not submitted a parliamentary inquiry. He has asked the Chair for a legal opinion on what the gentleman himself admits is debatable. Under the rules of the House, the Speaker of the House is not required to render legal opinions, at least without notice.

MR. HOBBS: I am not contending that the Speaker is required to do so. I am asking as a matter of the grace and indulgence of the Chair that he do so, and advise us if the Senate version be adopted, the limited reference in the title would be sufficient to carry the full bill as amended.

THE SPEAKER: The Chair thinks that the title of the bill is identification more than anything else. Mr. Justice Brewer in the case of *Patterson v. Bank Eudora* (190 U.S. 169) held—

That the title is no part of the statute and cannot be used to set at naught its obvious meaning.

4. Sam Rayburn (Tex.).

Titles as Related to Germaneness

§ 9.2 The germaneness of an amendment to a bill is not determined by the title of the bill; it is the body of the bill that is controlling.

On Aug. 2, 1949,⁽⁵⁾ during consideration in the Committee of the Whole of a bill (H.R. 29) to provide price supports for tung nuts, a committee amendment was reported applying the provisions of the act to honey. Mr. Wayne L. Hays, of Ohio, raised a point of order:

Mr. Chairman, since the committee amendment has no greater standing than any other amendment, the title of this bill is to amend the Agricultural Adjustment Act of 1938, as amended, to provide parity for tung nuts and for other purposes. I make the point of order that the inclusion of honey is not related to the bill and is, therefore, not in order.

MR. [WALTER K.] GRANGER [of Utah]: Mr. Chairman, will the gentleman yield?

MR. HAYS of Ohio: I yield to the gentleman from Utah.

MR. GRANGER: I trust the gentleman will not press his point of order. We are willing to concede the point would apply, but what we will have to do is take out the part of the bill that the gentleman I am sure is interested in. . . .

5. 95 CONG. REC. 10639, 10640, 81st Cong. 1st Sess.

THE CHAIRMAN:⁽⁶⁾ The Chair is ready to rule. The title of the bill does not control. It is the body of the bill that controls. When an individual proposition is added to another individual proposition by amendment, even though they are in the same class, they are not germane. The Chair sustains the point of order.

Amendment of Title

§ 9.3 Amendments to the title of a bill or joint resolution may be considered after its passage.

On Jan. 30, 1962,⁽⁷⁾ several committee amendments, including one to the title of a bill (H.R. 4879), were offered en bloc. The Chairman of the Committee of the Whole reminded the proponent of the amendments that title amendments are properly considered in the House following passage.

§ 9.4 Amendment to titles of bills are properly presented after the bill is passed and are not debatable.

On Dec. 11, 1947,⁽⁸⁾ during consideration in the House of a foreign aid bill (H.R. 4604) the following exchange took place:

MR. [CHARLES J.] KERSTEN of Wisconsin: Mr. Speaker, I have an amend-

6. John McSweeney (Ohio).

7. 108 CONG. REC. 1183, 87th Cong. 2d Sess.

8. 93 CONG. REC. 11307, 80th Cong. 1st Sess.

ment to change the title of the bill, which I understand is proper.

THE SPEAKER:⁽⁹⁾ That will come after the passage of the bill.

MR. KERSTEN of Wisconsin: I should like to inform the membership that this is an important amendment and I should like to speak on it.

THE SPEAKER: It is not debatable.

Parliamentarian's Note: Rule XIX, "Of Amendments", specifies that "Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate." House Rules and Manual §822 (1981).

Preambles Generally

§ 9.5 Where no action is taken to strike out the preamble of the bill and the bill is passed, the preamble remains as a part of the bill.

On Mar. 22, 1935,⁽¹⁰⁾ during consideration of a bill (H.R. 3896) providing for payment of world war adjusted service certificates, Mr. Thomas L. Blanton, of Texas, raised a point of order:

Mr. Speaker, I wish to make a point of order with respect to the present parliamentary situation of one part of the bill, and in connection therewith I ask permission of the Chair to make a parliamentary inquiry.

9. Joseph W. Martin, Jr. (Mass.).

10. 79 CONG. REC. 4314, 4315, 74th Cong. 1st Sess.

THE SPEAKER:⁽¹¹⁾ The gentleman will state it.

MR. BLANTON: On yesterday, after the first section of the Vinson bill was read, as shown on page 4216, the gentleman from Texas [Mr. Patman] moved to strike out the first section and to insert his own bill as a substitute therefor, giving the usual notice that, in case his amendment carried, he would move to strike out the remaining sections of the Vinson bill.

MR. [FRED M.] VINSON of Kentucky: Mr. Speaker, a point of order.

MR. BLANTON: I am making the point of order now.

MR. VINSON of Kentucky: Mr. Speaker, I am making a point of order to the gentleman's point of order. My point of order is that the bill to which the gentleman's motion applies has been concluded and is history.

MR. BLANTON: In connection with my point of order, I am asking the Chair a parliamentary inquiry.

THE SPEAKER: The Chair will hear the point of order of the gentleman from Texas.

MR. BLANTON: Mr. Speaker, the Chair will find on this page 4216 of the Record for yesterday that the gentleman from Texas [Mr. Patman] moved to strike out the first section of the Vinson bill and offered his bill as an amendment in the way of a substitute, giving proper notice that if his amendment were adopted he would thereafter move to strike out all the remaining paragraphs of the Vinson bill. Nothing was said about striking out the preamble of the bill which preceded the first section, and it was not

11. Joseph W. Byrns (Tenn.).

stricken out, although the gentleman from Texas [Mr. Patman] objected to the reading of the preamble.

The procedure I have outlined was followed. After the substitute of the gentleman from Texas [Mr. Patman] was voted upon and adopted by teller vote in the Committee of the Whole House on the state of the Union, as shown on page 4231 of the Record, the gentleman from Texas [Mr. Patman], asked unanimous consent that the remaining sections of the Vinson bill that [followed] section 1 be stricken out, and that request was granted, and the remaining sections of the Vinson bill were stricken out, but the preamble, which preceded the enacting clause, was left undisturbed, and remained in the bill just preceding the enacting clause. No action whatever was taken by the House, or by the Committee of the Whole House on the state of the Union with respect to the preamble except, as before stated, the gentleman from Texas objected to its being read, as a preamble is never read. And, of course, unanimous consent is usually requested for the preamble to be stricken out, but as to this bill no such request was made.

The parliamentary inquiry I desire to make is this: although it is not usual to leave preambles in a bill that is finally passed, yet the preamble to this bill is so apropos and was so well written in the bill introduced by our friend, the gentleman from Kentucky [Mr. Vinson], and it so well applies to the Patman bill that it should stay in, and not be stricken out, and I wish to ask the Chair whether or not the preamble could be stricken out except by unanimous consent, or by a motion passed by the House.

THE SPEAKER: The Chair will state to the gentleman from Texas that the only way it can be done is by action of the House. No action was taken by the House with respect to striking out the preamble, so it still remains.

Preambles in Committee of the Whole

§ 9.6 In the Committee of the Whole the body of a concurrent resolution is first considered and after the resolving clauses have been read for amendment, the preamble is considered and perfected.

On Oct. 5, 1962,⁽¹²⁾ the Committee of the Whole, pursuant to a special rule (H. Res. 827), undertook consideration of a concurrent resolution (H. Con. Res. 570) expressing the sense of the Congress with respect to certain problems that had arisen in Berlin, Germany. The Committee first considered amendments to the body of the resolution before considering amendments to the preamble thereof.

§ 9.7 Amendments to the preamble of a concurrent resolution are considered and voted on in the Committee of the Whole after amendments

12. 108 CONG. REC. 22637, 22638, 87th Cong. 2d Sess.

to the body of the resolution, and such amendments are voted on in the House after the resolution has been adopted.

On Oct. 30, 1945,⁽¹³⁾ a concurrent resolution (H. Con. Res. 80) expressing the sense of the Congress regarding the size of the post-war Navy was considered in the Committee of the Whole. After the reading of the resolution the Clerk read the amendments to the resolution proposed by the committee that reported it. Mr. W. Sterling Cole, of New York, raised a parliamentary inquiry:

Mr. Chairman, I wonder if we are going to consider the amendments to the preamble first?

THE CHAIRMAN:⁽¹⁴⁾ The amendments to the preamble are considered after amendments to the body of the resolution.

The following committee amendment to the preamble was considered:

In the preamble, page 1, fourth paragraph, strike out "giving due consideration to the security of the United States and its Territories and insular possessions, the protection of our commerce, and the necessity for cooperating with other world powers in the maintenance of peace; and" and insert in lieu thereof "in order to insure our

national integrity, support our national policies, guard the continental United States and our overseas possessions, give protection to our commerce and citizens abroad, and to cooperate with other world powers in the maintenance of peace; and." . . .

THE CHAIRMAN: The question is on the committee amendment to the preamble.

The amendment was agreed to.

After consideration of the resolution the Committee rose and reported it back to the House:

THE SPEAKER:⁽¹⁵⁾ Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

THE SPEAKER: The question is on the adoption of the resolution.

MR. [CARL] VINSON [of Georgia]: Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 347, nays 0, answered "present" 1, not voting 83, as follows: . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE SPEAKER: The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

Preambles in the House

§ 9.8 In response to a parliamentary inquiry, the

13. 91 CONG. REC. 10202, 10203, 10205, 10206, 79th Cong. 1st Sess.

14. Butler B. Hare (S.C.).

15. Sam Rayburn (Tex.).

Speaker stated that an amendment to the preamble of a resolution is considered in the House after the adoption of the resolution.

On June 8, 1970,⁽¹⁶⁾ a resolution (H. Res. 976) authorizing a select committee to study recent developments in Southeast Asia was being considered in the House. Mr. Hugh L. Carey, of New York, raised a parliamentary inquiry after certain committee amendments had been agreed to:

Mr. Speaker, at what point did the Speaker put the committee amendment which appears on page 1 to strike out the preamble?

THE SPEAKER:⁽¹⁷⁾ That question will come after the adoption of the resolution.

§ 9.9 The preamble of the simple resolution is amendable in the House following the adoption of the resolution unless the previous question is ordered thereon. The previous question is ordered separately on the preamble of a resolution after adoption of the resolution.

On Mar. 1, 1967,⁽¹⁸⁾ after the adoption of a resolution (H. Res.

16. 116 CONG. REC. 18656, 18658, 91st Cong. 2d Sess.

17. John W. McCormack (Mass.).

18. 113 CONG. REC. 5038, 90th Cong. 1st Sess.

278) relating to the right of a Representative-elect Adam C. Powell, of New York, to be sworn, Mr. Thomas B. Curtis, of Missouri, moved the previous question on the adoption of the preamble of the resolution. Mr. Phillip Burton, of California, raised a point of order:

The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentlemen's request and/or motion is out of order. I think the record of the proceedings of the House will indicate that the point being advocated reflects accurately the proceedings as they have transpired.

THE SPEAKER:⁽¹⁾ The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

§ 9.10 A motion to strike all after the resolving clause of a concurrent resolution does not affect the preamble thereof; and a motion to strike out the preamble is properly offered after the resolution has been agreed to.

On Feb. 21, 1966,⁽²⁾ the House considered a concurrent resolution

1. John W. McCormack (Mass.).

2. 112 CONG. REC. 3473, 89th Cong. 2d Sess.

(H. Con. Res. 552) recognizing the 50th anniversary of the chartering of the Boy Scouts of America. Mr. Arch A. Moore, Jr., of West Virginia, asked and received unanimous consent to consider a similar Senate resolution (S. Con. Res. 68) in lieu of the House concurrent resolution. Mr. Moore then offered an amendment to the Senate resolution striking out all after the resolving clause and inserting the provisions of House Concurrent Resolution 552:

THE SPEAKER PRO TEMPORE:⁽³⁾ Is the purpose of the gentleman from West Virginia to strike out the preamble?

MR. MOORE: My amendment would strike out the language of the Senate concurrent resolution and substitute in lieu thereof the language of the concurrent resolution just passed by the House.

THE SPEAKER PRO TEMPORE: Would the amendment of the gentleman from West Virginia strike out the preamble or all after the enacting clause and substitute the language of the House concurrent resolution just passed?

MR. MOORE: It would strike out all after the enacting clause.

THE SPEAKER PRO TEMPORE: That would not eliminate the preamble.

MR. MOORE: Then, Mr. Speaker, I move to strike the preamble.

The Senate concurrent resolution was agreed to and a motion to reconsider was laid on the table.

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment of the gentleman from West Virginia.

The Clerk read as follows:

Mr. Moore moves to strike out the preamble.

The amendment was agreed to.

A similar House concurrent resolution was laid on the table.

Preamble of Joint Resolution

§ 9.11 The preamble of a joint resolution is properly amended after the engrossment and pending the third reading of the resolution.

On Apr. 2, 1962,⁽⁴⁾ the House considered and agreed to a House joint resolution (H.J. Res. 628) along with a committee amendment to strike out the preamble.

The House Journal records that the joint resolution was ordered engrossed, that the preamble was amended or stricken out, and that the resolution was then ordered read the third time, was read the third time, and passed.⁽⁵⁾

§ 10. Petitions and Memorials

A petition is a plea to the Congress to take some action, or refrain from action, on a subject of legislative concern. The term "me-

4. 108 CONG. REC. 5516, 87th Cong. 2d Sess.

5. H. Jour. 231 (1962).

3. Carl Albert (Okla.).